

Application No. 10/603,716
Atty. Docket No.: 2003B047
Response dated October 27, 2006
Reply to Office Action of July 27, 2006

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REMARKS/ARGUMENTS

Reconsideration of this application is requested. The claims submitted for reconsideration are claims 1-6 and 9-16. No new matter has been entered by this Response.

Applicants appreciate the courtesies extended by the Examiner to Applicants' representative during an in-person interview on October 10, 2006. Applicants' remarks/arguments presented herein substantially reflect those made during said interview, particularly as related to the inapplicability of two commonly-owned references with regard to obviousness.

Claim Rejections – 35 USC § 103(a)

Claims 1-6 and 9-16 were rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,403,854 to Miller *et al.* (hereinafter "Miller"), in view of U.S. Patent No. 7,060,866 to Van Egmond *et al.* (hereinafter "Van Egmond") or U.S. Patent No. 7,030,284 to Shutt (hereinafter "Shutt"). This rejection is traversed and reconsideration is requested.

Applicants respectfully point out that both Shutt and Van Egmond are commonly assigned to ExxonMobil Chemical Patents, Inc., as is the instant application. Both Shutt and Van Egmond were subject to said assignment at the time of invention. In addition, because of their earliest priority dates being well after that of the instant application, Applicants respectfully submit that both Shutt and Van Egmond are available as prior art only under 35 U.S.C. § 102(e). Applicants further respectfully submit that neither Shutt nor Van Egmond are available for use in an obviousness rejection against the instant application. *See* 35 U.S.C. § 103(c).

As the Examiner has acknowledged the deficiencies of Miller with respect to the instantly claimed invention, and without either Shutt or Van Egmond, Applicants respectfully submit that the obviousness rejection cannot be maintained. Applicants respectfully request that the rejection be reconsidered and withdrawn.

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CONCLUSION

Having demonstrated that the available prior art fails to disclose or suggest the invention as claimed and that the remaining cited prior art is inapplicable, this application is believed to be in condition for allowance. Accordingly, Applicants request early and favorable reconsideration in the form of a Notice of Allowance.


If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated, since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response. Please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1712 (Docket #: 2003B047).

Respectfully submitted,

Date: _____

10/27/06



David M. Weisberg
Attorney for Applicants
Registration No. 57,636

Post Office Address (to which correspondence is to be sent):
ExxonMobil Chemical Company
Law Technology
P.O. Box 2149
Baytown, Texas 77522-2149
Telephone No. (281) 834-0599
Facsimile No. (281) 834-2495